

BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

HEARING DATE:

None Scheduled

**SUBJECT MATTER OF
PROPOSED REGULATIONS:**

Licensing and Qualifications for Smog Check Technicians; Initial and Renewal Applications

SECTIONS AFFECTED:

§§ 3340.28 and 3340.29 of Title 16, Division 33, Chapter 1, Article 5.5 of the California Code of Regulations

SPECIFIC PURPOSE OF REGULATORY PROPOSAL:

This proposed action is intended to streamline and improve the Smog Check technician license renewal process and facilitate transition to automated cashiering of renewal applications. This transition requires the development of a new renewal notice and renewal application form. The initial license application form will also be revised and updated to conform to the automated renewal process and other procedural changes.

Also included in this proposed action are amendments that will eliminate inconsistencies with the statutory provision specifying the length of time that a training course certificate of completion is valid. The time period currently specified in regulation is one year, but the statutory period was increased to two years in 2002. Therefore, the current regulation is inconsistent with the statute.

The proposed action also includes several nonsubstantive technical, grammatical and editorial changes that have no regulatory effect or that are conforming.

The proposed action will make the following changes to existing regulation:

1. Amend paragraphs (1), (2), and (3) of subsection (b) of Section 3340.28 to specify that technician training course certificates of completion are valid for two years as provided in Section 44031.5 of the Health and Safety Code. Previously certificates of completion for Bureau of Automotive Repair certified training courses were valid for one year. These amendments conform to the previous amendment of subdivision (e) of Section 44031.5¹ which changed the length of time certificates of completion are valid to two years.

¹ Statutes of 2002, Chapter 405 (AB 2973), § 70

The current provisions of Section 3340.28, which specify that courses must be completed “within the last twelve months,” are inconsistent with the current statutory provision. These changes make the provisions of Section 3340.28 consistent with the statutory provision of Section 44031.5. Neither Section 44031.5 nor any other statutory provision gives the Bureau discretion to deviate from the two-year validity specified in statute. Therefore, these changes are nonsubstantive conforming, editorial changes that have no regulatory effect.

Additional nonsubstantive conforming, grammatical, and editorial changes are also included. These changes do not modify any requirement, right, responsibility, condition, prescription or other regulatory element and, therefore, have no regulatory effect.

2. Amend subsection (a) of Section 3340.29, to incorporate by reference a revised license application form for Smog Check technicians. The current application form (*Application for Smog Check Technician License*, T-6 (10-99)) will be re-titled “*Application for Initial Smog Check Technician License*, SMOG TECH 1 (11/07),” and revised as follows:

REVISION 1. **Page 1. Document title.** In the document title at the top of the page, “APPLICATION FOR SMOG CHECK TECHNICIAN LICENSE,” the word “INITIAL” has been added to read, “APPLICATION FOR INITIAL SMOG CHECK TECHNICIAN LICENSE.”

This change is being made to more accurately and clearly describe the form and to conform to the usage of a separate form for license renewal.

REVISION 2. **Page 1. Application rejection and refund statement.** The statement, “ALL APPLICATIONS WILL BE REJECTED AND FEE NOT REFUNDED FOR FAILURE TO:...” has been deleted and replaced with, “NOTE: PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 158, FEES ARE NON-REFUNDABLE.”

This change is being made to more accurately and clearly inform applicants that application fees are non-refundable. This is a nonsubstantive grammatical, editorial change, and there is no regulatory effect.

REVISION 3. **Page 1. If your application is accepted.** The statement advising the applicant that the examination fee is \$65 has been changed to reflect the current fee of \$45.

Paragraph (1) of subsection (b) of Section 3340.29 states that an applicant for a technician’s license shall pay a \$65 examination fee and successfully complete the appropriate technician examination in order to receive a technician’s license. However, the examination fee charged by the contractor is currently \$45. Applicants are not required to pay more than the actual fee charged by the Bureau’s examination contractor.

This change is being made to reflect the correct examination fee that the application will be required to pay.

REVISION 4. Page 1. Personal Information statement. The following statement has been added to the application:

“ The Department of Consumer Affairs, Bureau of Automotive Repair collects the personal information requested on this form as authorized by Business and Professions Code Sections 9884 and California Code of Regulations Sections 3351. The Bureau uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, and to enforce licensing standards set by law and regulation.”

This is informational only and therefore has no regulatory effect. Please refer to REVISION 7, below.

REVISION 5. Page 1. Submission of the requested information. The following statement has been added to the application:

“Submission of the requested information is mandatory. The Bureau cannot consider your application for licensure unless you provide all of the requested information. To speed the processing of your application you may submit certificates of course completion for your course requirements. Otherwise, if BAR can not validate your courses, a deficiency letter will be sent to you requesting the missing information and/or supporting documents, which will delay the processing of your application.”

Please refer to REVISION 7, below.

REVISION 6. Page 1. Information Practice Act. The Information Practice Act statement has been reworded as follows:

“You are entitled to access records maintained by the Bureau, which contain your personal information. The information you provide may be disclosed to others in the following circumstances: In response to a Public Records Act request (Government Code Section 6250); as allowed by the Information Practices Act (Civil Code Section 1798); to another government agency as required by state or federal law; and/or, in response to a court or administrative order, a subpoena, or a search warrant.”

This is informational only and therefore has no regulatory effect. Please refer to REVISION 7, below.

REVISION 7. Page 1. Contacting the Bureau of Automotive Repair, Licensing Unit. The following statement has been added underneath the Information Practice Act statement.

“You may contact the Bureau of Automotive Repair, Licensing Unit at 10240 Systems Parkway, Sacramento 95827, (916) 255-3145 with any questions about this notice or the Bureau’s licensing records. For questions about the Information Practices Act, you may contact the Office of Privacy Protection in the Department of Consumer Affairs, 1625 North Market Blvd., Suite N-324, Sacramento, CA 95834, (916) 574-8180, Toll Free (866) 785-9663, www.privacy.ca.gov.”

REVISIONS 4 through 7 are intended to comply with the notice requirements of the Information Practices Act (Civil Code section 1798, et seq.) as provided in Section 1798.17 of the Civil Code. Section 1798.17 requires an agency to provide a specified notice on or with any form used to collect personal information from individuals. The statements included in REVISIONS 4 through 7, together, meet that statutory notice requirement and, therefore, have no regulatory effect.

REVISION 8. Page 2. Title of Application. The word “INITIAL” has been added to the title at the top of the page which now reads “APPLICATION FOR INITIAL SMOG CHECK TECHNICIAN LICENSE.”

This change is being made to more accurately and clearly describe the form and to conform to the usage of a separate form for license renewal.

REVISION 9. Page 2. Instructions. Instruction #3 has been changed from “Submit a completed application with all the appropriate documents and fees to the Licensing Division at the above address” to read, “Mail completed application and fees to BAR Licensing Unit at the address at the top of Page 1.”

This change is editorial only, the language in the instruction is being changed for clarification, the actual procedure remaining the same.

REVISION 10. Page 2. Instructions. The statement which follows instruction #3, “If any information is omitted, the application will be returned to you for completion and will delay processing” has been deleted.

This was an informational statement reiterating information that is already included on Page 1.

This is a non-substantive grammatical, editorial change, and there is no regulatory effect.

REVISION 11. Page 2. Application Type. The Application Types with boxes to differentiate between an initial application and a renewal application have been deleted. This revised form will be used exclusively for initial applications for licensure.

This change is required because this form will no longer be valid for renewal applications.

REVISION 12. Page 2. Not for Renewals. The statement, “DO NOT USE THIS APPLICATION FOR LICENSE RENEWAL,” has been added to notify applicants that this form is not valid for renewing a current license.

This change is being made to alert applicants that this form is not for renewal of a license. This informational statement is intended to avoid delays in processing renewals due to use of an incorrect application form.

REVISION 13. Page 2. Identification card box. The note informing applicants they are required to provide picture identification and the box asking for the card number are both being changed. “California Driver License” has been changed to read “valid Drivers License,” and the word “Identification” has replaced the abbreviation “ID.”

This change removes the restriction that only California photo identification is acceptable.

REVISION 14. Page 2. BAR-97 transition class. The statement, “Note: To perform an official Smog Check inspection in an enhanced program area, you must also complete the Bureau’s ‘BAR 97 Transition Class.’” has been deleted from the application.

The BAR-97 transition class was an interim course which no longer exists, the course information is now incorporated in the required Enhanced Clean Air Car Course. Therefore, this statement is no longer valid.

REVISION 15. Page 2. Advanced Emission Specialist Smog Technician Applicants: Requirements for Licensure. This section has been moved to page 3. The statement, “You must meet requirements 1, 2, & 3 to qualify” has been changed to read, “You must meet the following three requirements to qualify to take the examination.”

This is a non-substantive grammatical, editorial change, and there is no regulatory effect.

REVISION 16

Page 2. Advanced Emission Specialist Smog Technician Applicants: Requirement 1. Education/Experience. Throughout this section, the time frame for completion of Bureau courses has been changed from 12 months to two years. In addition, the statements: “PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED,” have been deleted.

At the top of page 3, information and instructions for providing proof of training course completion have been added under a heading titled “TRAINING REQUIREMENTS.”

This revision conforms to the 2002 amendment of subdivision (e) of Section 44031.5 of the Health and Safety Code and the amendment of Section 3340.28 proposed in this regulatory action (see section 1. above). The amendment of Section 44031.5 changed the length of time that certificates of completion issued upon successful completion of Bureau-certified training courses are valid to two years.

The current provisions of Section 3340.28 and the references in this application form, which specify that courses must be completed “within the last twelve months,” are inconsistent with the current statutory provision. This revision makes the information in the application form consistent with the statutory provision of Section 44031.5. Neither Section 44031.5 nor any other statutory provision gives the Bureau discretion to deviate from the two-year validity specified in statute. Therefore, this revision is a nonsubstantive conforming, editorial change that has no regulatory effect.

On Form T-6 (10-99), page 4 consists of the “Course Completion Certification”. Instructors no longer need to fill out page 4 of the technician application. The instructors now electronically submit their course enrollment rosters and course completion information, directly to the Bureau, thus eliminating the need for the instructor to complete and sign a separate course completion certification. The Licensing Division has access to the course completion data for verification purposes. Additionally, technicians do not always have the application with them at the time they complete the required courses. This creates an undue hardship on applicants who have to locate, in some cases, multiple instructors for signatures. This change relieves the applicant of this burden.

REVISION 17.

Page 3. Advanced Emission Specialist Smog Technician Applicants: Requirement 2. Certification. The following paragraph has been deleted:

“**YOU MUST ATTACH** copies of valid and unexpired ASE certifications and/or a completed page four(s) of this application noting

completion of Bureau alternative courses. The page four must have a course certification stamp, and an original signature from the course instructor. The Bureau will not accept copies of completed page fours.”

The submission of the course certificates was used as a means of verifying successful completion the applicable courses. The Bureau’s Licensing Division no longer requires the applicant to receive a certification stamp or original signature from the course instructor. Instructors now electronically submit their course enrollment rosters and course completion information, directly to the Bureau, thus eliminating the need for a separate course completion certification. The Licensing Division has access to the course completion data for verification purposes. This change relieves the applicant of this burden. This also helps to reduce the amount of paper that Licensing receives with the application, helping to meet the paperless goals of government. [See REVISION 16 also.]

REVISION 18 **Page 3. Advanced Emission Specialist Smog Technician Applicants: Requirement 2. Certification.** “Note: This documentation is not needed if the Bureau has a record of unexpired certifications or courses from a previous application,” has been deleted as it is no longer relevant.

Please refer to REVISIONS 16 and 17, above.

REVISION 19. **Page 3 Advanced Emission Specialist Smog Technician Applicants: Requirement 3. Update Training.** The phrase, “PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED,” has been deleted and replaced with: “(See Page 4 Information).”

Please refer to REVISIONS 16 and 17, above.

REVISION 20. **Page 3. Basic Area Smog Technician Applicants: Requirements for Licensure.** The statement, “You must meet requirements 1, 2, & 3 to qualify” has been changed to read, “You must meet the following three requirements to quality to take the examination:”

This is a non-substantive grammatical, editorial change, and there is no regulatory effect.

REVISION 21. **Page 3. Basic Area Smog Technician Applicants: Requirement 1. Education/Experience.** Throughout this section, the time frame for completion of Bureau courses has been changed from 12 months to two years. In addition, the statements: “PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED,” have been deleted.

Please refer to REVISIONS 16 and 17, above.

REVISION 22. Page 3. Basic Area Smog Technician Applicants: Requirement 2. Certification. The note, “NOTE: The Advanced Engine Performance Specialist (L1) certificate OR the Advanced Emission Diagnosis and Repair course is required if a renewal applicant’s license expires after December 31, 2001, or a new applicant’s application is postmarked after December 31, 2001,” has been deleted.

Before December 31, 2001, the L1 course was not a requirement. This statement was included as a means clarification and informing applicants of the additional requirement, effective January 1, 2002. The L1 course is now a required course and this statement is no longer necessary. (See Section 3340.28(b)(2)(B)1.) In addition, this application form will no longer be used for renewals.

REVISION 23. Page 3. Basic Area Smog Technician Applicants: Requirement 2. Certification. The following paragraph has been deleted:

“**YOU MUST ATTACH** copies of valid and unexpired ASE certifications and/or a completed page four(s) of this application noting completion of Bureau alternative courses. The page four must have a course certification stamp, and an original signature from the course instructor. The Bureau will not accept copies of completed page fours.”

The submission of the course certificates was used as a means of verifying successful completion the applicable courses. The Bureau’s Licensing Division no longer requires the applicant to receive a certification stamp or original signature from the course instructor. Instructors now electronically submit their course enrollment rosters and course completion information, directly to the Bureau, thus eliminating the need for a separate course completion certification. The Licensing Division has access to the course completion data for verification purposes. This change relieves the applicant of this burden. This also helps to reduce the amount of paper that Licensing receives with the application, helping to meet the paperless goals of government. [See REVISION 16 also.]

REVISION 24. Page 3. Basic Area Smog Technician Applicants: Requirement 2. Certification. “Note: This documentation is not needed if the Bureau has a record of unexpired certifications or courses from a previous application,” has been deleted as it is no longer relevant.

Please refer to REVISIONS 16 and 17, above.

- REVISION 25. Page 3. Basic Area Smog Technician Applicants: Requirement 3. Update Training.** The statement, “PAGE FOUR OF THIS APPLICATION HAS BEEN COMPLETED,” has been changed to read, “(See Page 4 Information).”

Please refer to REVISIONS 16 and 17, above.

- REVISION 26. Page 3. Intern Applicant: Requirements for Licensure.** This section has been moved to page 4. The statement, “I have one year experience and/or education in the engine performance area, and have completed the Bureau’s Basic Clean Air Car Course within the last twelve months (course completion should be noted on page 4 of this application),” has been changed to read, “I have completed the Bureau of Automotive Repair’s Basic Clean Air Car Course within the past two years.”

The statement regarding having “one year experience and/or education” has been removed because that is a prerequisite to take the Basic Clean Air Car Course and it is unnecessary to include the statement here. [See REVISIONS 16 and 17, also.]

- REVISION 27. Page 3. Applicant’s Certification and signature box.** This section has been moved to page 4, following the course completion information section.

This is a non-substantive grammatical, editorial change, and there is no regulatory effect.

- REVISION 28. Page 4.** At the top of page 4, the statement, “THIS PAGE MUST BE COMPLETED BY THE INSTRUCTOR,” has been deleted.

Please refer to REVISIONS 16 and 17, above.

- REVISION 29. Page 4. Evidence of Completion of Bureau-Certified Training Course(s).** The content of this section, including all the instructions, the “note,” and applicant identification information has been deleted.

Please refer to REVISIONS 16 and 17, above.

- REVISION 30. Page 4. Course Title and Completion Information.** Under Course Title, the “BAR-97 Transition Class” has been deleted.

(See REVISION 14.)

REVISION 31. Page 4. Course Certification. The content of this section, including the school and instructor information, the certification stamp area and the “note,” has been deleted.

Please refer to REVISIONS 16 and 17, above.

REVISION 32. Page 4. Information. A list of the requirements for Basic Area technicians who wish to obtain an Advanced Emission Specialist technician license has been added for informational purposes.

This information has been added as a quick reference to inform and assist the applicant in completing the application. This is a non-substantive grammatical, editorial change, and there is no regulatory effect.

REVISION 33. Page 4. All applicants please note. The following notes have been added to the application:

- All BAR courses must be completed no more than two years prior to application in order to be valid.
- ASE certificates must be current at the time of application.
- You may provide copies your course completion certificates to speed processing of your application.
- Note Student enrollment number (as shown on course completion certificate) in the area noted above.”

These notes were added for informational purposes and to better assist the applicant in filling out the technician application.

REVISION 34. Page 4. Requirements for Initial License for Advanced Emission Specialist (EA) Smog Technician License. The requirements for Initial Advanced Emission Specialist Smog Technician license have been added to the application in a box for informational purposes.

This information has been added as a quick reference to inform and assist the applicant in completing the application.

REVISION 35. Page 4. Requirements for Initial License for Basic Area (EB) Smog Technician License. The requirements for Initial Basic Area Smog Technician license have been added to the application in a box for informational purposes.

This information has been added as a quick reference to inform and assist the applicant in completing the application.

3. Amend paragraphs (1), (2), and (3) of subsection (b) of Section 3340.29, to provide that the fee for the Smog Check technician's examination shall be \$45.

As examination contractors change or contracts are renegotiated from time to time, the examination fee may change. Currently, the Bureau's examination contractor is charging an examination fee of \$45. The amendment of paragraphs (1), (2), and (3) of subsection (b) is a clarifying change that continues to inform applicants that they will have to pay an examination fee and pass an examination in specified circumstances.

4. Amend paragraph (1) of subsection (d) of Section 3340.29 by removing the reference to renewal of a technician's license.

Because technician license renewals are transitioning to an automated process requiring the use of a different renewal application form, reference to the use of the initial license application form is no longer necessary or appropriate. The new application form for technician license renewals will be incorporated into subsection (f) of this section.

This is a non-substantive conforming, editorial change and there is no regulatory effect.

5. Amend subsection (f) of Section 3340.29, as follows:
 - a. The requirements to submit appropriate documents and to use the *Application for Smog Check Technician License*, T-6 (10-99), in order to renew a Smog Check technician license, have been deleted. The deleted application form has been replaced with the *Technician License Renewal Application*, SMOG TECH 2 (11/07), which is also incorporated by reference.

The creation of the *Technician License Renewal Application*, SMOG TECH 2 (11/07) and its incorporation is necessary to facilitate the transition to an automated renewal system. Currently, technician license renewal applications are received by the Department of Consumer Affairs' (DCA) centralized cashiering unit and manually cashiered. Cashiering staff also hand writes the receipt number on the renewal application, which is forwarded to the BAR Licensing Unit for processing.

With the automated processing system, BAR will have the ability to prepare a renewal notice that includes the application form with identifying information contained in a scan line, which will be processed through the automated cashiering system. The renewal application will then be forwarded to the Licensing Unit for completion of the renewal process. The automated cashiering process requires a new form, the *Technician License Renewal Application*, form SMOG TECH 2 (11/07).

The new form is computer generated prior to license expiration, and includes a license renewal application with basic information about the licensee, similar to the Department of Motor Vehicles' registration renewal notice form. Part 1 of the renewal notice and application form includes general information and instructions for completing and mailing the renewal application (i.e., Part 2). Part 1 also includes the notice requirements of the Information Practices Act (Civil Code section 1798, et seq.) as provided in Section 1798.17 of the Civil Code. [See REVISIONS 4 – 7 of Section 2, above] Part 2 of the new form includes background questions, a continuing education statement, information about certification requirements, an area for the applicant to indicate the certifications and training courses completed, and, as a convenience, an area in which to indicate changes of address or telephone numbers. With the exception of the address change section, all of this information was included in the former license application form used for renewals and continues to be included in the revised form incorporated in subsection (a).

- b. The requirement of paying an examination fee and successfully completing an appropriate examination in order to renew a technician's license has been deleted.

Currently, the technician is not required to pass an examination to renew their license and therefore, is not required to pay any examination fee. This provision is being deleted to eliminate any potential confusion. The technician is required only to submit the renewal application and \$20 renewal fee, along with proof of successful completion of the appropriate update course. The examination at the conclusion of the update course replaces the licensing examination for license renewal.

INCORPORATION BY REFERENCE:

The incorporation by reference in Section 3340.29 of the *Application for Initial Smog Check Technician License*, form SMOG TECH 1 (11/07) and the *Technician License Renewal Application*, form SMOG TECH 2 (11/07), is appropriate because to publish or print these forms in the CCR, in the text of a regulation, would be cumbersome, impractical and unnecessary. To describe the forms in the regulation would require several pages of text, which would unnecessarily expand the CCR. The form titled SMOG TECH 1 (11/07) alone consists of four full pages. Establishing the form and content of these applications is accomplished more simply and directly by incorporating the forms by reference.

The initial license application form, *Application for Initial Smog Check Technician License*, form SMOG TECH 1 (11/07) is currently available online through the Bureau's Web site at www.smogcheck.ca.gov. Current licensees will automatically receive the *Technician License Renewal Application*, form SMOG TECH 2 (11/07) as a part of their license renewal notice which is mailed approximately 150 days prior to the license expiration date. There is no need to describe or print this form in the regulation since it will be routinely provided when required, together with all the necessary instructions, notices and information.

FACTUAL BASIS:

The Bureau, located within DCA, is the state agency charged with the administration and implementation of the Smog Check program. The Program is designed to reduce emissions from mobile sources, such as passenger vehicles and light trucks, by requiring that these vehicles meet specific in-use emissions standards as verified by periodic inspections. To ensure uniform and consistent vehicle testing, the Bureau licenses Smog Check stations and technicians and certifies inspection equipment.

The Licensing Unit's current information database is being converted to the DCA Application Tracking System and Consumer Affairs System (ATS/CAS). The automated functions of ATS/CAS will require the technician license renewal procedures to be revised.

At present, one form is used to apply for an initial Smog Check Technician license or to renew an existing license, the *Application for Smog Check Technician License*, form T-6 (10-99). For purposes of license renewal, that form will be replaced with the *Technician License Renewal Application*, form SMOG TECH 2 (11/07). Since licensees are already required to complete an application for renewal, there will be no major change. In fact, the new automated renewal application will require less information and eliminate the need to submit documentation with renewal applications.

This proposed action also includes a thorough revision of the *Application for Smog Check Technician License*, form T-6 (10-99). With the revision of the current application [from *Application for Smog Check Technician License*, form T-6 (10-99) to *Application for Initial Smog Check Technician License*, form SMOG TECH 1 (11/07)], the change to an automated renewal processing procedure and the addition of the new *Technician License Renewal Application*, form SMOG TECH 2 (11/07), Section 3340.29 will need to be amended. The amendments will reference and incorporate the new form and delete the current form. The amendments will also incorporate by reference the revised initial application form.

The only new requirement imposed by this proposed action is that applications for renewal must be filed using the new automated renewal application in order to be processed. The applicant will no longer be required to submit copies of course completion certification because the information will be sent from the course instructors to the Bureau electronically.

The reference to the \$65 examination fee specified in Section 3340.29 will be amended to reflect the current examination fee of \$45.

Currently, in subsection (f) it states that to renew a license the technician shall pay a \$65 examination fee, and successfully complete the appropriate technician examination. The technician is no longer required to take a separate examination in order to renew their license. Therefore, a renewing technician is not required to pay any examination fee and this provision needs to be deleted to eliminate any potential confusion. The technician is required only to submit the renewal application and \$20 renewal fee, along with proof of successful completion of the appropriate update course. The examination at the conclusion of the update course replaces the licensing examination for license renewal.

The current provisions of Section 3340.28, which specify that technician training courses must

be completed “within the last twelve months,” are inconsistent with the current statutory provision. In 2002, subdivision (e) of Section 44031.5 was amended to change the length of time that certificates of completion issued upon successful completion of Bureau-certified training courses are valid. Previously certificates of completion for Bureau of Automotive Repair certified training courses were valid for one year. These amendments conform to the previous amendment of subdivision (e) of Section 44031.5² which changed the length of time certificates of completion are valid to two years. .

Underlying Data:

Technical, theoretical or empirical studies or reports relied upon:

1. *Application for Initial Smog Check Technician License*, form SMOG TECH 1 (11/07)
2. *Technician License Renewal Application*, form SMOG TECH 2 (11/07)

Business Impact:

These regulations will not have any adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The proposed action does not impose any requirement upon or require any action by any business. There is no reporting or recordkeeping requirement mandated, nor are there any performance standards imposed, technologies or equipment specified, nor specific actions or procedures prescribed.

Specific Technologies or Equipment:

These regulations do not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

No reasonable alternative has been considered, identified or brought to the attention of the Bureau.

² Statutes of 2002, Chapter 405 (AB 2973), § 70